U.S. Commission on Civil Rights Hearing
Immigration Detention Centers & Treatment of Immigrants

Written testimony from South Asian Americans Leading Together (SAALT)

May 13, 2019

Dear Members of the Commission,

I am Lakshmi Sridaran and I serve as the Interim Co-Executive Director for South Asian Americans Leading Together (SAALT). We are a national, non-partisan, non-profit organization that fights for racial justice and advocates for the civil rights of all South Asians. Our core policy priorities are in civil rights, immigration, and combatting hate crimes.

Over the past few years SAALT has documented egregious, dangerous, and punitive conditions experienced by detained individuals held in detention facilities across the country including medical neglect, inadequate or non-existent language access, and retaliation for hunger striking. We have also observed a rise in South Asian asylum seekers fleeing to the United States to escape violence, persecution, and repression alongside migrants from African, South East Asian, Latin and Central American nations. Asylum seekers, undocumented immigrants, and refugees have been tortured and even murdered in detention.

From 2014 through 2019, SAALT has documented several instances of damaging civil rights and due process violations impacting undocumented immigrants and asylum seekers in detention facilities and processing centers across the country.

2014
El Paso, TX: In 2014, the Sikh Coalition filed a complaint (No. 14-07-ICE-0183) with the DHS Office of Civil Rights and Civil Liberties (CRCL) about the treatment of 37 Punjabi asylum seekers detained in the El Paso Processing Center for over one year. All of these asylum seekers passed their credible fear interviews and were denied bond or parole and went on hunger strike to protest their prolonged detention. They received inadequate medical care, retaliation for their hunger strike, and no language interpretation. In the end, many of them were deported.

2015
El Paso, TX: In 2015, 54 South Asian asylum seekers, mainly from Bangladesh, Afghanistan, and Pakistan went on hunger strike at the El Paso Processing Center to protest their prolonged detention and demand investigations into unfair hearings and interference with their legal cases. These asylum seekers passed their credible fear interviews and were denied bond or parole. They received inadequate medical care, retaliation for their hunger strike, and no language interpretation. In the end, as egregious examples of refoulement, many of them were deported back to their deaths. In the 2014 and 2015 instances, ICE allowed Indian and Bangladesh consulate officials into the El Paso Processing Center without the consent of the asylum seekers. This endangered the security of the detained immigrants who were seeking asylum from these very governments represented by the respective consular offices. These consulate

representatives then intimidated the detained individuals into ending their hunger strike, which is in direct violation of 8 CFR 208.6 which "generally prohibits the disclosure to third parties of information contained in or pertaining to asylum applications, credible fear determinations, and reasonable fear determination."

In 2015, Desis Rising Up and Moving (DRUM), The National Immigration Project of the National Lawyers Guild (NIP-NLG), and South Asian Americans Leading Together (SAALT) filed a complaint (No. 16-01-ICE-0012) with CRCL about the treatment of these 54 asylum seekers. In early 2017, we were informed the findings of a CRCL investigation were turned over to ICE for further action. We have followed up several times for the findings of these investigations and have been given no update.

2017

Adelanto, CA: An asylum seeker from Nicaragua detained in the Adelanto Detention Facility committed suicide in 2017 and seven more detained immigrants attempted suicides between October 2016 and July 2018. This follows the death of five asylum seekers from Mexico, El Salvador, and Honduras over the last three years alone in Adelanto, resulting from medical neglect despite repeated requests for medical attention from detained immigrants. In June 2017 nearly 40 detained immigrants from Guatemala, El Salvador, and Honduras launched a series of hunger strikes to protest their conditions and treatment and faced severe retaliation. In May, 2018 the DHS Office of the Inspector General conducted a surprise visit of the facility and concluded that it was violating ICE's own detention standards. On August 15, 2018, a delegation of Members of Congress from the Congressional Asian Pacific American Caucus, led by Chairwoman Judy Chu, raised further questions about hunger strikes, retaliation, and woefully inadequate medical care of detained immigrants in the Adelanto Detention Facility.

2018

Sheridan, OR: In June, 2018, 70 South Asian detained immigrants in the Yamhill County Federal Prison were denied access to counsel, language interpretation, and religious accommodations. Some Sikh detained immigrants were even forced to cut their hair.

Folkston, GA: Also in June, 2018, over 100 South Asian asylum seekers at the ICE Processing Facility in Folkston, GA began a second hunger strike to protest their prolonged detention. Once again, after passing credible fear interviews, the asylum seekers were denied bond by immigration judges. DHS allegedly visited the facility in August, 2018, but there has been no update on the findings of this visit.

Victorville, CA: Also in June, 2018, nearly 400 South Asian asylum seekers were held in the Federal Correctional Institution in Victorville, CA. Many of the asylum seekers were Sikh and banned from wearing their turbans and denied other religious accommodations and adequate medical care at a facility notorious for its scabies and chicken pox outbreaks. The detained immigrants were also denied legal counsel and their cases were on indefinite hold.

El Paso, TX: In December 2018, 30 Punjabi and Cuban asylum seekers were detained in El Paso Processing Center. Eleven of the Indian-Punjabi Sikh and Cuban asylum seekers went on hunger strike to protest their prolonged detention and denial of bond at bond hearings after passing credible fear interviews. In January, 2019 nine Punjabi detained asylum seekers were force fed through nasal tubes and

IV by Immigration and Customs Enforcement (ICE) officials. The detained immigrants were subjected to prolonged psychological abuse by ICE and denied adequate language access inside the facilities regarding their legal rights and due process. In February 2019, SAALT filed a complaint with the DHS Office of Civil Rights and Civil Liberties (CRCL) about the treatment of El Paso Processing Center hunger strikers. Approximately two months later, CRCL informed us that the DHS Office of the Inspector General was looking into the complaint and we have still received no update. The hunger strike lasted well over 80 days. Ultimately, four of the asylum seekers were deported, three remain in detention, and two were released on $20,000 bond each.

2019

San Diego, CA: In April 2019, SAALT was informed of several unaccompanied minors from Bangladesh detained in Otay Mesa Detention Center. SAALT filed a complaint (No. 19-07-ICE-0271) with the DHS Office of Civil Rights and Civil Liberties (CRCL) about DHS' refusal to properly examine and evaluate multiple forms of evidence submitted by respondents in Otay Mesa to confirm their age and nationality. The minors remain in this adult detention center and Assistant Officer In-Charge, Mark Paramo, has denied that any minors are detained in the Otay Mesa Detention Center. At least three of the minors have been denied asylum and deported following numerous attempts by ICE to prevent them from receiving adequate access to their attorneys by claiming they were in medical quarantine after they had already appeared in court.

We are disturbed by the number of detained individuals in both public and private detention facilities across the country facing a litany of civil rights violations. The Department of Homeland Security (DHS) must ensure the well-being, safety, and protection of due process rights of all immigrants in detention.

As illustrated in our documentation of dangerous and punitive detention conditions, we recommend establishing standards and protections described in the American Bar Association's Civil Immigration Detention Standards for each facility at which individuals in DHS custody are detained. If abusive practices continue, then private and government owned detention facilities must be subject to oversight and comply with transparency so as to provide safe, secure and humane environments, and appropriate conditions of confinement.

We have documented several incidents in which detained individuals are denied adequate language access, limiting their access to due process and civil rights. All detention facilities must provide language interpretation under Title VI of the Civil Rights Act and Executive Order 13166 and under the ICE's Performance Based National Detention Standards 2011 (rev 2016).

The office of Civil Rights and Civil Liberties (CRCL) within DHS must have more power and resources. SAALT filed an official civil rights complaint with CRCL in 2015 regarding the treatment of more than 50 South Asian asylum seekers detained in the El Paso County Detention Facility. CRCL conducted an investigation and turned its findings and recommendations over to ICE. As far as we know and were informed by the previous DOJ-CRCL leadership before they departed at the end of 2016, those findings and recommendations are still sitting with ICE and there have been no remedies.

Due to the deference to ICE within DHS, we recommend an independent ombudsperson position be created to liaison between communities and CRCL to move such complaints through a transparent process and ensure the civil rights of all detained individuals are enforced. The independent ombudsperson should work closely with the DHS Office of Inspector General to actively encourage a significant increase in the number of unannounced inspections of ICE-operated and privately-operated detention facilities. ICE continues to enjoy an expanded budget for its detention and enforcement activities, often at the expense of other federal agencies. Funding for ICE must be contingent on increased reporting and oversight of the agency's detention and enforcement functions. And, ICE should not have the ability to continue raiding other DHS programs to supplement its already bloated budget.

We are also concerned with the dismal asylum and bond denial rates for detained individuals across the country. A recent report from Syracuse University found that of the 42,224 decisions on asylum made by immigration judges in FY 2018, an overwhelming 65 percent were denials.[1] Furthermore, although a majority of South Asian asylum seekers are granted bond nationally, they also "had the highest required median bond amounts — $17,000 in FY 2018 and $20,000 in FY 2019.[2] The data directly illustrates the ways in which current detention practices involving physical, emotional, and economic abuse are forms of cruel and unusual punishment, which undermine the civil rights of immigrants in detention. We recommend an immediate and rigorous investigation into the practices and hiring of Executive Office for Immigration Review (EOIR) judges, which are consistently resulting in high asylum denials and bond amounts.

The consistent abuse by DHS and ICE officials in detention facilities across the country, the lack of transparency with investigations, findings, and remedies all gravely undermine the enforcement of civil rights across all of our communities. We have lost confidence in the federal government's responsibility or ability to utilize their power to uphold our civil rights.

Signed,

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[1] "Asylum Decisions and Denials Jump in 2018." *Trac Immigration.* 2018. https://trac.syr.edu/immigration/reports/539/

[2] "Importance of Nationality in Immigration Court Bond Decisions" *TRAC Immigration*. 12 Feb. 2019. https://trac.syr.edu/immigration/reports/545